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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,912	08/11/2006	Kelvin H. Wildman	BR210-67112	7803

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EXAMINER	
SHERWIN, RYAN W	
ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/597,912	WILDMAN ET AL.	
	Examiner	Art Unit	
	Ryan W. Sherwin	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/11/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 August 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/11/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Status

1. Claims 1-22 are currently pending.

Drawings

2. The drawings are objected to because items 36 and 38 in figures 9 and 10 are not clearly labeled although drawn merely as boxes. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Radke (U.S. Patent App. Pub. #2004/0155752).

With respect to claim 1, Radke discloses a lock interface for a biometric lock (Figure 7) for access to an enclosure (Figure 6). The lock interface includes a body (Figure 7, Item 52), a biometric sensor (Figure 2, Item 28), and a guide for proper finger placement on the sensor (Paragraph [0037]).

As to claim 2, Radke discloses a rectangular sensor (Paragraph [0029]) which has four boundaries (top, bottom, left, and right) as seen in Figure 2.

Concerning claim 7, Radke discloses that the sensor may be capacitive (Paragraphs [0028] and [0045]).

With regards to claim 8, Radke discloses the invention relates to fingerprints and a fingerprint sensor (Paragraph [0002]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke as applied to claim 1 above, and further in view of Borza (U.S. Patent #5,859,420).

With respect to claim 3, Radke discloses a finger positioning guide (Paragraphs [0037] and [0038]). However, Radke does not explicitly disclose multiple crosshairs.

Borza teaches multiple crosshairs on a fingerprint sensor (Figure 4, Item 22) which clearly define the center location and where the finger should be placed. Figure 4 also suggests defining the exact center with the dotted crosshairs which bisect the 4 boundaries of the sensor and perpendicularly meet in the center. To match the claimed subject matter, Borza suggests a first crosshair adjacent to the top boundary, a second adjacent to the bottom, a third adjacent to the right boundary, and a fourth adjacent to the left boundary. It would have been obvious to one of ordinary skill in the art at the time the invention was made because Radke recognizes the need for a guide and this is merely a functional equivalent to direct the user to the best location for a finger.

Concerning claim 4, Radke and Borza render obvious the claimed subject matter as in claim 3 above.

With regards to claim 5, Radke and Borza render obvious the claimed subject matter as in

claim 3 above.

As to claim 6, Radke and Borza render obvious the claimed subject matter as in claim 3 above.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke, as applied to claim 1 above, further in view of Hosokawa (U.S. Patent App. Pub. #2002/0118865).

As per claim 9, Radke discloses sensor types of thermal, optical, electrical, and acoustical (Paragraph [0028]). However, Radke does not explicitly disclose a light emitting mechanism for the sensor.

Hosokawa teaches lights for illuminating a sensor (Figure 1, Items 13-15) that are LEDs (Paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the light emitters of Hosokawa with the invention of Radke because a light source will add accuracy to the system for when obtaining images in low light conditions which also leads to a lower error percentage and false signals in the system which means increased security.

Regarding claim 10, Radke and Hosokawa render obvious the claimed subject matter as in claim 9 above.

Concerning claim 11, Radke does not explicitly disclose a first body portion that allows the light to pass through onto the sensor.

Hosokawa teaches a prism (Figure 1, Item 2) that the light passes through on its way to the sensor (Item 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to pass the light to the sensor in order to accurately capture the fingerprint

data and minimize the error rate of the system.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Radke as applied to claim 1 above, and further in view of Ben-Aissa (U.S. Patent App. Pub. #2005/0109836).

Concerning claim 12, Radke does not explicitly disclose a display for conveying information to the user.

Ben-Aissa teaches a display (Figure 1, 21) with a biometric sensor (30) for conveying information to the user (Paragraph [0073]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display with the sensor of Radke because a display is a simple feedback form to allow the user to know what he or she is doing when operating the system thus making the system more user-friendly.

10. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke in view of Yamagishi (U.S. Patent App. Pub. #2004/0025550) and Partus et al. (Partus; U.S. Patent #4,638,129).

With respect to claim 13, Radke discloses an enclosure with a body and a hinged door (Figure 9). Radke further discloses a locking mechanism that is operated by the fingerprint sensor (Paragraph [0042]). Also included is a processor or CPU and memory (Paragraph [0027]). The memory is designed to store the data of permitted users and a switch exists to delete the data stored in memory (Paragraph [0076]). Figure 6 shows the body of the system housed on the enclosure. Radke does not explicitly disclose a mechanical key lock and the administrator locking mechanism.

Yamagishi teaches the known method of electronic locks and key cylinder locks operating independently (Paragraph [0005]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide both types of locking mechanisms in case the power dies or to give the user flexibility in their options of locks (Paragraph [0008]). Radke and Yamagishi do not render obvious the structure of the administrator locking mechanism.

Partus teaches a locking structure with key (Figure 5, Item 31) and cam (23). An axis (25) runs along the key for which the cam rotates about, as one of ordinary skill in the art at the time the invention was made would have recognized. Partus teaches the axis portion (25) as rendering switch (3) inoperable (Column 4, Lines 35-40). One of ordinary skill in the art at the time the invention was made would have recognized that the cam is also capable of rendering the switch inoperable when lowered to its locked position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the idea of Partus with Radke and Yamagishi because Radke recognizes restricting access to the switch for clearing memory (Radke; Paragraph [0020]) and this locking structure is merely a functional equivalent for providing limited access to the switch.

Regarding claim 14, Radke does not explicitly disclose an actuator for the locking mechanism that is actuated by the key lock.

Yamagishi teaches a lock driver that is actuated by an interlock when the key cylinder rotates (Paragraph [0012]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lock driver of Yamagishi with the invention of Radke because it provides a locking mechanism with few parts and easy installation (Paragraph [0011]). Radke and Yamagishi do not render obvious using a cam to interact with the actuator.

Partus teaches the use of a cam for locking and unlocking a door as seen in claim 13 above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radke and Yamagishi with that of Partus because the cam is a functional equivalent for the interlock that can connect to the cylinder and driver.

11. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke in view of Hosokawa.

Regarding claim 15, Radke discloses a biometric fingerprint lock on a lock box (Paragraph [0042]). Further, Radke discloses a method for actuating the sensor by the presence of a finger on the sensor (Paragraph [0019]). Radke discloses comparing current data with stored data in order to determine a lock or unlocked state (Paragraph [0068]) and operating the mechanism only when the user is authorized (Paragraph [0022]). Radke also discloses a status LED for indicating when the fingerprint reader is ready to sense a fingerprint (Paragraph [0040]). However, Radke does not explicitly disclose light emitted on the biometric sensor.

Hosokawa teaches lights for illuminating a sensor (Figure 1, Items 13-15) that are LEDs (Paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the light emitters of Hosokawa with the invention of Radke because providing light on the sensor itself provides a visual cue of when to use the system which is necessary for people with hearing disabilities and it further enhances positioning the finger properly to obtain the most accurate reading.

With regards to claim 22, Radke and Hosokawa render obvious the claimed subject matter as in claim 15 above.

12. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke and Hosokawa as applied to claim 15 above, and further in view of Ben-Aissa.

As per claim 16, Radke discloses status LEDs (Paragraph [0040]), but does not explicitly disclose a display.

Ben-Aissa teaches a display (Figure 1, 21) with a biometric sensor (30) for conveying information to the user (Paragraph [0073]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display with the sensor of Radke because a display is a simple feedback form to allow the user to know what he or she is doing when operating the system thus making the system more user-friendly.

Regarding claim 17, Radke and Ben-Aissa render obvious the claimed subject matter as in claim 16 above and further in view of Figure 9a of Ben-Aissa.

13. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke and Hosokawa as applied to claim 15 above, and further in view of Borza.

With respect to claim 18, Radke discloses a guide for properly placing a finger on a sensor (Paragraphs [0037] and [0038]). Radke also discloses a status LED for indicating that the sensor is ready to read a fingerprint (Paragraph [0040]). However, Radke does not explicitly disclose the guide acting as a visual cue.

Borza teaches a finger guide directly on the sensor (Figure 4) which is illuminated by a light source (Column 2, Lines 10-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Radke with that of Borza because a visual cue is necessary for users with hearing impairments and lighting the sensor

eliminates unnecessary parts from the design by using the same light to indicate the sensor is ready, provide a clear guide for the finger in order to increase accuracy in the reading, and to make the actual reading.

As to claim 19, Radke discloses a rectangular sensor (Paragraph [0029]) which has four boundaries (top, bottom, left, and right) as seen in Figure 2. Radke also discloses a finger guide as in claim 18 above. Radke does not explicitly disclose four crosshairs.

Borza teaches multiple crosshairs on a fingerprint sensor (Figure 4, Item 22) which clearly define the center location and where the finger should be placed. Figure 4 also suggests defining the exact center with the dotted crosshairs which bisect the 4 boundaries of the sensor and perpendicularly meet in the center. To match the claimed subject matter, Borza suggests a first crosshair adjacent to the top boundary, a second adjacent to the bottom, a third adjacent to the right boundary, and a fourth adjacent to the left boundary. It would have been obvious to one of ordinary skill in the art at the time the invention was made because Radke recognizes the need for a guide and this is merely a functional equivalent to direct the user to the best location for a finger.

Concerning claim 20, Radke and Borza render obvious the claimed subject matter as in claim 19 above.

Regarding claim 21, Radke and Borza render obvious the claimed subject matter as in claim 19 above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Janiak et al. (U.S. Patent App. Pub. #2002/0097142) teach a biometric lock with finger guide and status LEDs.

Kim (U.S. Patent #6,828,899) teaches a biometric system which displays messages to the user and also allows for deletion of the stored data.

Matsumoto et al. (U.S. Patent App. Pub. #2002/0181749) teach multiple guide templates for a sensor (Figure 9).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan W. Sherwin whose telephone number is (571) 270-7269. The examiner can normally be reached on Monday through Friday, 8:30 a.m. through 6:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. W. S./
Examiner, Art Unit 2612

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612